# UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

**IN RE** 

CASE NO. 06-02289-ESL

MILITZA PEREZ SOTO CARLOS R BERRIOS BAEZ

**CHAPTER: 13** 

**DEBTOR(S)** 

## MOTION REQUESTING DISMISSAL

#### TO THE HONORABLE COURT:

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of an unsecured claim and Movant herein, and respectfully sets forth and prays:

- 1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle (a) KIA SORENTO 2003 registered under number 2885633, executed by debtor(s) on JUNE 24, 2003 (b) NISSAN FRONTIER 2003 registered under number 2894577, executed by debtor(s) on AUGUST 23, 2003.
- 2. Debtor's(s') Chapter 13 Plan was confirmed on MARCH 18, 2008. Said plan calls for \$550.00 X 16, \$.00 X 9, \$600.00 X 3, \$200.00 X 32 payments.
- 3. However, according to the records made available to creditors by the Trustee, as of today's date, debtor(s) has(have) only paid \$ 14,600.00, out of \$ 15,200.00 due.
- 4. Section 1307 (c) (6) of the Bankruptcy Code provides for the dismissal of a case under chapter 13 for "material default by the debtor with respect to a term of a confirmed plan."

**WHEREFORE**, Movant requests the dismissal of the instant case since debtor(s) has(have) defaulted on the payments to the Chapter 13 Trustee.

**NOTICE TO ALL PARTIES** is hereby given to the effect that unless a party in interest objects to the dismissal of this case within thirty (30) days from the date of this notice, the case may be dismissed without a hearing.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the ALEJANDRO OLIVERAS, Trustee and ROBERTO FIGUEROA CARRASQUILLO, Debtor(s) Attorney and that we have sent copy of this document through regular mail to Debtor(s) MILITZA PEREZ SOTO, CARLOS R BERRIOS BAEZ, PO BOX 353 AGUAS BUENAS, PR 00703 and to all non CM/ECF participants interested as per mailing list which is hereby included.

### RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 25 day OCTOBER, 2010.

/S/ CARLOS E. PEREZ PASTRANA USDC-208913

Attorney for Movant
PO BOX 21382
SAN JUAN, PR 00928-1382
TEL. 787-625-6645 FAX: 787-625-4891

cperezp@reliablefinancial.com

Label Matrix for local noticing 0104-3 Case 06-02289-ESL13 District of Puerto Rico Old San Juan Wed Jan 23 16:47:18 AST 2008 RELIABLE FINANCIAL SERVICES CARLOS E PEREZ PASTRANA PO BOX 21382

30 Sa

US Bankruptcy Court District of P.R. U.S. Post Office and Courthouse Building 300 Recinto Sur Street, Room 109 San Juan, PR 00901-1964 BANCO POPULAR DE PR CONSUMER BANKRUPTCY DEPT PO BOX 366818 SAN JUAN PR 00936-6818

C/O ISMAEL H HERRERO III

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R&G PREMIER BANK

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COOP A/C JESUS OBRERO

CAGUAS, PR 00725-8900

HC-01 BOX 29030

PMB 159

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CITIFINANCIAL 111 CARR 174 STE 2 BAYAMON, PR 00959-1910 CITIFINANCIAL F/K/A ASSOCIATES FINANCE C/O FORTUNO & FORTUNO FAS PO Box 9300 SAN JUAN PR 00908-0300 COOP A/C JESUS OBRERO
PMB159
HC 1 BOX 29030
CAGUAS, PR 00725-8900

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GEMB/BANANA REP PO BOX 981400 EL PASO, TX 79998-1400 JC PENNEY
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LVNV Funding LLC its successors and assigns assignee of Citibank USA Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587

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RG PREMIER BANK RD 100 & 177 SAN JUAN, PR 00928 Recovery Management Systems Corporation For GE Money Bank dba BANANA REPUBLIC 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605 Recovery Management Systems Corporation For GE Money Bank dba GAP 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605 Recovery Management Systems Corporation For GE Money Bank dba JCPENNEY CREDIT SERVICES 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605

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CARLOS R BERRIOS BAEZ PO BOX 353 AGUAS BUENAS, PR 00703-0353

ROBERTO FIGUEROA CARRASQUILLO PO BOX 193677 SAN JUAN, PR 00919-3677 Recovery Management Systems Corporation For GE Money Bank dba OLD NAVY 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605

WESTERN BANK
CALL BOX WFS
MAYAGUEZ, PR 00681

World Financial Network National Bank Ann Taylor c/o Weinstein & Riley, P.S. 2101 Fourth Ave., Suite 900 Seattle, WA 98121-2339

eCAST Settlement Corporation assignee of MBNA America Bank N A POB 35480 Newark NJ 07193-5480

MILITZA PEREZ SOTO PO BOX 353 AGUAS BUENAS, PR 00703-0353

End of Label Matrix
Mailable recipients 45
Bypassed recipients 0
Total 45

Recovery Management Systems Corporation For GE Money Bank dba SAM'S CLUB 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605

WESTERN BANK PO BOX 1180 MAYAGUEZ, PR 00681-1180

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ALEJANDRO OLIVERAS RIVERA ALEJANDRO OLIVERAS, CHAPTER 13 TRUS PO BOX 9024062 SAN JUAN, PR 00902-4062

MONSITA LECAROZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

## UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE:	CASE NO 06-02289-ESL
MILITZA PEREZ SOTO CARLOS R BERRIOS BAEZ	CHAPTER 13
DEBTOR(S)	

## MOTION SUBMITTING DECLARATION UNDER PENALTY OF PERJURY

Comes now, RELIABLE FINANCIAL SERVICES, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **HILDARIS B. BURGOS MURIEL,** Bankruptcy Official for RELIABLE FINANCIAL SERVICES, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

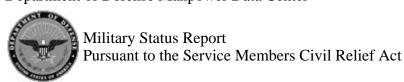
### RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21 day of OCTOBER, 2010.

S/HILDARIS B. BURGOS MURIEL Bankruptcy Official

P. O. Box 21382 San Juan, PR 00928-1382 Tel. (787)625-6647 FAX:(787)625-4891 hburgosm@reliablefinancial.com Department of Defense Manpower Data Center

Oct-26-2010 07:14:53



≺ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency	
BERRIOS	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.				

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary Mr. Snavely-Dixon

Mary M. Snavely-Dixon, Director Department of Defense - Manpower Data Center 1600 Wilson Blvd., Suite 400 Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <a href="http://www.defenselink.mil/faq/pis/PC09SLDR.html">http://www.defenselink.mil/faq/pis/PC09SLDR.html</a>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

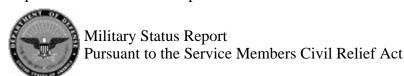
Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided. Report ID:LGHIUSETCN

Department of Defense Manpower Data Center

Oct-26-2010 07:15:47



≺ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency	
PEREZ		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.				

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

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WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided. Report ID:GGH3TJG1S0